

### REMARKS

The applicants have considered the Office action dated August 22, 2006, and the applied reference. Claims 1-28 are pending and at issue, of which claims 1, 12, 22 and 26 are independent. In view of the following remarks, it is respectfully submitted that the pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

#### Claims 1-11

The Office action rejected pending independent claim 1 as being anticipated by *Patel* (U.S. Patent No. 6,327,660) under 35 U.S.C § 102(b). Independent claim 1 recites a method comprising, *inter alia*, storing a password routine in a first area of a memory device that is unavailable to a memory management unit, wherein the the memory device includes a second area available to the memory management unit.

It is well settled that, “[a] claim is anticipated only if *each and every element as set forth in the claim* is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987) (emphasis added). Additionally, under M.P.E.P. § 707.07(d), “Where a claim is refused for any reason relating to the merits thereof it should be ‘rejected’ and the ground of rejection fully and clearly stated ....”

The Office action, however, fails to fully and clearly state or even generally indicate how *Patel*, which is assigned to the assignee of the present application, expressly or inherently sets forth each and every element in claim 1. Instead, the Office action merely references Col. 3, Lines 2-8; 14-15 and Col. 6, Lines 25-41 of *Patel* in rejecting claim 1 and makes no effort to apply

*Patel* to claim 1. Therefore, it is respectfully submitted that the Office action fails to “fully and clearly” show that *Patel*, either generally or through the referenced excerpts, anticipates “each and every element” of claim 1.

Accordingly, because the Office action has not clearly stated how *Patel* anticipates claim 1, it is respectfully submitted that a *prima facie* case of anticipation has not been made. Thus, the applicants respectfully submit that claim 1 and claims 2-11 depending therefrom are in condition for allowance.

Additionally, it is respectfully submitted that a thorough examination of the referenced excerpts from *Patel* fails to uncover any anticipation of claim 1. For example, it appears that the referenced excerpts fail to describe or fairly suggest the claim element of storing a password routine in a first area of the memory device, the first area of the memory device being unavailable to the memory management unit, the memory device including a second area, the second area being available to the memory management unit. Thus, the applicants again respectfully submit that claim 1 and claims 2-11 depending therefrom are in condition for allowance.

#### **Claims 12-21**

The Office action also rejected pending independent claim 12 as being anticipated by *Patel* under 35 U.S.C § 102(b). Independent claim 12 recites an apparatus to execute a trusted software program in a pre-boot environment. The apparatus of claim 12 comprises, *inter alia*, a memory device including a first memory portion and a second memory portion, the first memory portion storing the trusted software program, and a memory management unit operatively coupled to the memory device, the memory management unit

being unable to access the first memory portion, the memory management unit being able to access the second memory portion.

Similar to the rejection of claim 1, the Office action fails to “fully and clearly” state how *Patel* anticipates claim 12 or, more specifically, how *Patel* expressly or inherently sets forth each and every element in the claim. Instead, the Office action merely references Col. 2, Lines 40-43, Col. 4, Lines 13-16; 28-33 and Col. 6, Lines 58-66 of *Patel* for the general proposition that these excerpts somehow anticipate claim 12 as a whole. As discussed above, such a rejection is improper because the Office action does not “fully and clearly” state how the referenced excerpts of *Patel* relate in any way to even one element of claim 12. Therefore, the Office action fails to “fully and clearly” show that *Patel*, either generally or through the referenced excerpts, anticipates “each and every element” of claim 12. Accordingly, because *Patel* has not been shown to anticipate claim 12, the applicants respectfully submit that claim 12 and claims 13-21 depending therefrom are in condition for allowance.

Additionally, a thorough examination of the referenced excerpts from *Patel* fails to uncover any anticipation of claim 12. For example, the excerpts fail to describe or fairly suggest the use of a memory management unit operatively coupled to the memory (or storage) device, the memory management unit being unable to access a first memory portion storing a trusted software program, and the memory management unit being able to access the second memory portion. Accordingly, because the referenced excerpts of *Patel* do not describe or fairly suggest “each and every element as set forth in the claim,” *Patel* has not been shown to anticipate independent

claim 12. Thus, the applicants again respectfully submit that claim 12 and claims 13-21 depending therefrom are in condition for allowance.

#### **Claims 22-25**

The Office action also rejected pending independent claim 22 as being anticipated by *Patel* under 35 U.S.C § 102(b). Independent claim 22 recites an apparatus to collect a password in a pre-boot environment. The apparatus of claim 22 comprises, *inter alia*, a memory device including a first memory portion and a second memory portion, the second memory portion storing a keyboard driver, a display driver, graphics routine, and a password collection routine; and a memory management unit operatively coupled to the memory device, the memory management unit being able to access the first memory portion, the memory management unit being unable to access the second memory portion.

Similar to its rejections of claim 1 and 12, the Office action fails to “fully and clearly” state how *Patel* anticipates claim 22 or, more specifically, how *Patel* expressly or inherently sets forth each and every element in the claim. Instead, the Office action merely references Col. 2, Lines 40-43, Col. 4, Lines 13-16; 28-33 and Col. 6, Lines 58-66 of *Patel* for the general proposition that these excerpts somehow anticipate claim 22 as a whole. As discussed above, such a rejection is improper because the Office action does not “fully and clearly” state how the referenced excerpts of *Patel* relate in any way to even one element of claim 22. Therefore, the Office action fails to “fully and clearly” show that *Patel*, either generally or through the referenced excerpts, anticipates “each and every element” of claim 22. Accordingly, because *Patel* has not been shown to anticipate claim 22, the applicants

respectfully submit that claim 22 and claims 23-25 depending therefrom are in condition for allowance.

However, a thorough examination of the referenced excerpts from *Patel* fails to uncover any anticipation of claim 22. For example, the excerpts fail to describe or fairly suggest the use of a memory management unit operatively coupled to the memory (or storage) device, the memory management unit being able to access a first memory portion, but the memory management unit being unable to access a second memory portion for storing a keyboard driver, a display driver, graphics routine, and a password collection routine. Accordingly, because the referenced excerpts of *Patel* do not describe or fairly suggest “each and every element as set forth in the claim,” *Patel* has not been shown to anticipate independent claim 22. Thus, the applicants again respectfully submit that claim 22 and claims 23-25 depending therefrom are in condition for allowance.

#### **Claims 26-28**

The Office action rejected pending independent claim 26 as being anticipated by *Patel* under 35 U.S.C § 102(b). Independent claim 26 recites a machine readable medium storing instructions structured to cause a machine to, *inter alia*, store a password routine in a first area of a memory device, the first area of the memory device being unavailable to a memory management unit, the memory device including a second area, the second area being available to the memory management unit.

Similar to its rejections of claim 1, 12 and 22, the Office action fails to “fully and clearly” state how *Patel* anticipates claim 26 or, more specifically, how *Patel* expressly or inherently sets forth each and every element in the

claim. Instead, the Office action merely references Col. 3, Lines 2-8; 14-15 and Col. 6, Lines 25-41 of *Patel* for the general proposition that these excerpts somehow anticipate claim 26 as a whole. As discussed above, such a rejection is improper because the Office action does not “fully and clearly” state how the referenced excerpts of *Patel* relate in any way to even one element of claim 26. Therefore, the Office action fails to “fully and clearly” show that *Patel*, either generally or through the referenced excerpts, anticipates “each and every element” of claim 26. Accordingly, because *Patel* has not been shown to anticipate claim 26, the applicants respectfully submit that claim 26 and claims 27-28 depending therefrom are in condition for allowance.

Additionally, as discussed above in conjunction with claim 1, a thorough examination of the referenced excerpts from *Patel* fails to uncover any anticipation of claim 26. For example, the referenced excerpts fail to describe or fairly suggest the claim element of instructions structured to cause a machine to store a password routine in a first area of the memory device, the first area of the memory device being unavailable to the memory management unit, the memory device including a second area, the second area being available to the memory management unit. Accordingly, because the referenced excerpts of *Patel* do not describe or fairly suggest “each and every element as set forth in the claim,” *Patel* has not been shown to anticipate independent claim 26. Thus, the applicants again respectfully submit that claim 26 and claims 27-28 depending therefrom are in condition for allowance.

The applicants respectfully point out that, as discussed above, the Office action failed to “fully and clearly” state the “ground of rejection” for

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independent claims 1, 12, 22 and 26. M.P.E.P. § 707.07(d). As such, the present Office action does not contain a "complete statement of [the] ground of rejection" for these pending claims. M.P.E.P. § 706.07. Accordingly, the applicants respectfully submit that a subsequent Office action in this matter cannot be made final. *Id.*


As a final matter, the undersigned notes that an Information Disclosure Statement was filed in the above-identified case on August 18, 2006, which is prior to the mailing of the subject Office action dated August 22, 2006. Consideration of the Information Disclosure Statement filed August 18, 2006, and initialization of the same are respectfully requested with the next communication from the Office.

If the examiner is of the opinion that a telephone conference would expedite the prosecution of this case, the examiner is invited to contact the undersigned at the number identified below.

Respectfully submitted,

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